

JS-6

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

L. A. SPEED SHOP, LLC, a California  
limited liability company,

Plaintiff,

v.

AFFLICTION HOLDINGS, LLC, a  
California limited liability company dba  
AFFLICTION CLOTHING; KOHL'S  
DEPARTMENT STORES, INC., a  
Delaware corporation; and DOES 1 through  
10 inclusive,

Defendants.

Case No: 2:14-cv-02233-DDP-AJWx

**PERMANENT INJUNCTION AND  
VOLUNTARY DISMISSAL**

1       **WHEREAS**, Plaintiff L.A. Speed Shop (“Plaintiff” or “LA Speed Shop”) filed a  
 2 Complaint (Dkt. No. 1) in this action against defendants Affliction Holdings, LLC dba  
 3 Affliction Clothing (“Affliction”) and Kohl’s Department Stores, Inc. (“Kohl’s”) (collectively, “Defendants”) alleging copyright and trademark infringement based upon  
 4 the sale of products that infringe L.A. Speed Shop’s federal U.S. Copyright Registrations  
 5 Nos. VA 1-860-615 and VA 1-860-697. Plaintiff and Defendant Kohl’s entered into a  
 6 Settlement Agreement and a Stipulation to Dismiss Defendant Kohl’s was filed and  
 7 entered on July 7, 2014 (Dkt. No. 17).

9       1. LA Speed Shop has registered two (2) separate pieces of artwork with the  
 10 U.S. Copyright Office (“Artwork” or “Protected Works”):

- 11       a. “Triunfar”, registered as VA 1-860-615, with the United States Copyright  
 12 Office, a true and correct copy of the Triunfar artwork is attached hereto  
 as Exhibit A and incorporated herein; and
- 13       b. “Wings”, registered as VA 1-860-697, with the United States Copyright  
 14 Office; a true and correct copy of the Wings artwork is attached hereto as  
 Exhibit B and incorporated herein.

15       2. Affliction created two (2) separate pieces of artwork (“Contested Designs”),  
 16 and has manufactured, offered to sell, and sold products identified in the Complaint  
 17 (“Accused Products”) that LA Speed Shop alleges are substantially similar to the  
 18 Protected Works:

- 19       a. “Feelin’ Alright,” a true and correct copy of which is attached hereto as  
 20 Exhibit C and incorporated herein; and
- 21       b. “Can’t You See,” a true and correct copy of which is attached hereto as  
 Exhibit D and incorporated herein.

22       **WHEREAS**, LA Speed Shop has alleged that Affliction’s actions constitute  
 23 copyright infringement, and common law trademark infringement. Affliction denies the  
 24 allegations asserted by LA Speed Shop in the Complaint.

25       **WHEREAS**, Plaintiff and Affliction have entered into a Settlement Agreement  
 26 and have jointly stipulated to entry of the following Permanent Injunction and Voluntary  
 27 Dismissal, and the Court has considered the Complaint, and other materials in this action;

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**THE COURT FINDS THAT:**

1. This Court has original jurisdiction over this action pursuant to 17 U.S.C. §§ 101, 501. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338, as questions of federal law have been presented under 17 U.S.C. §§ 101, 501.

2. This Court has personal jurisdiction over all parties to this action.

3. Plaintiff and Affliction agree that this Permanent Injunction is binding in form and scope pursuant to Federal Rule of Civil Procedure 65(d);

4. This Permanent Injunction is in the best interest of Plaintiff and Affliction and is in the public interest;

5. This Permanent Injunction does not constitute, and shall not be interpreted to constitute, an admission by Affliction that it has engaged in violations of any law or regulation.

**IT IS THEREFORE ORDERED AS FOLLOWS:**

1. Affliction and their agents, servants, employees and all persons in active concert and participation with them who receive actual notice of this Permanent Injunction are hereby permanently restrained and enjoined from manufacturing, importing, distributing, advertising, selling and/or offering for sale (i) any Accused Products, and (ii) any product bearing the Contested Designs, ((i)-(ii) collectively referred to as the “Enjoined Products”).

2. In the event of any proceedings alleging contempt of this Permanent Injunction, the prevailing party shall be entitled to recover all of its reasonable attorneys’ fees and costs in connection therewith.

3. Defendant waives their right to appeal from entry of this Order.

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1           4.     The jurisdiction of this Court is retained for the purpose of making any  
2 further orders necessary or proper for the construction or modification of this Permanent  
3 Injunction, the enforcement thereof, and the punishment of any violations. Except as  
4 otherwise provided herein, this action and counterclaim are dismissed.

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7           IT IS SO ORDERED.

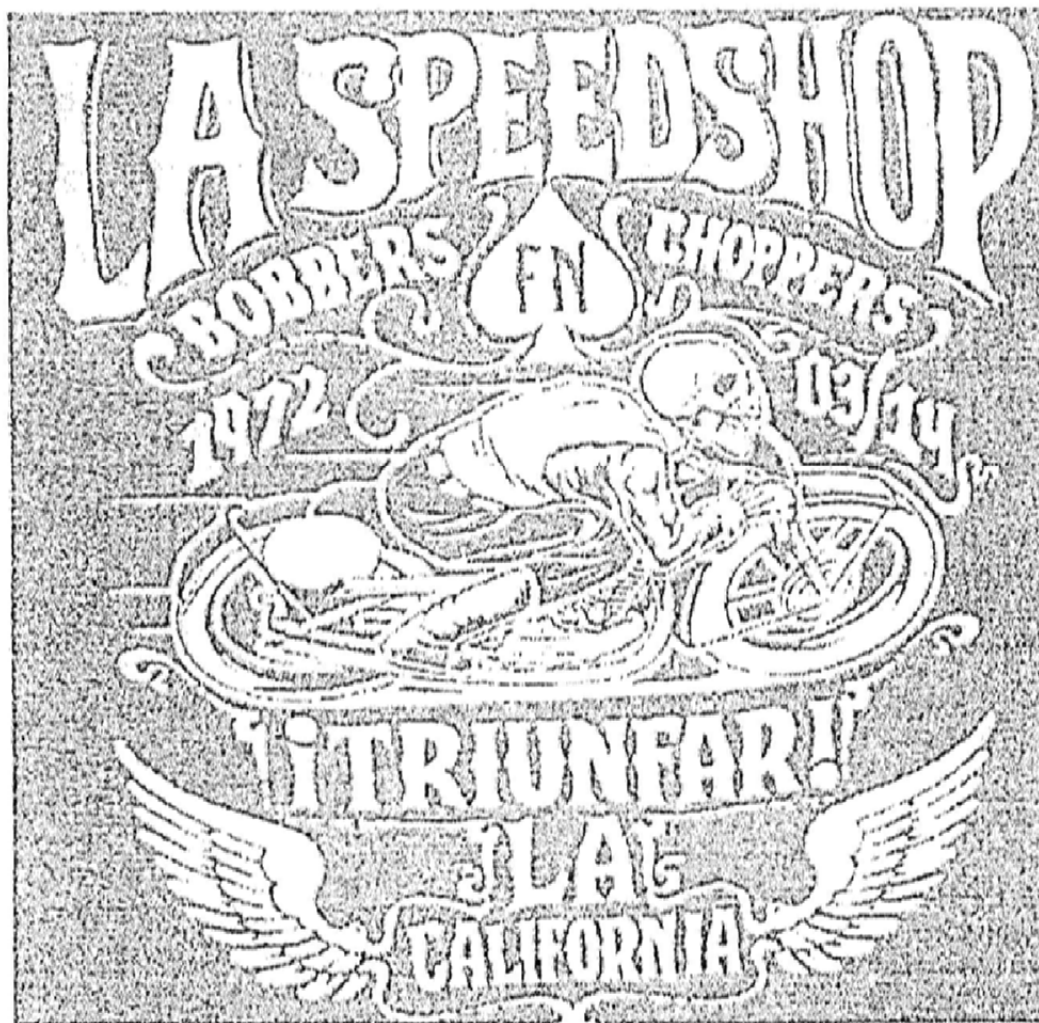
A handwritten signature in dark ink, appearing to read "Dean D. Pregerson", is written over a light gray circular stamp.

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10          Dated: October 31, 2014

DEAN D. PREGERSON  
UNITED STATES DISTRICT JUDGE

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# EXHIBIT A



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# EXHIBIT B

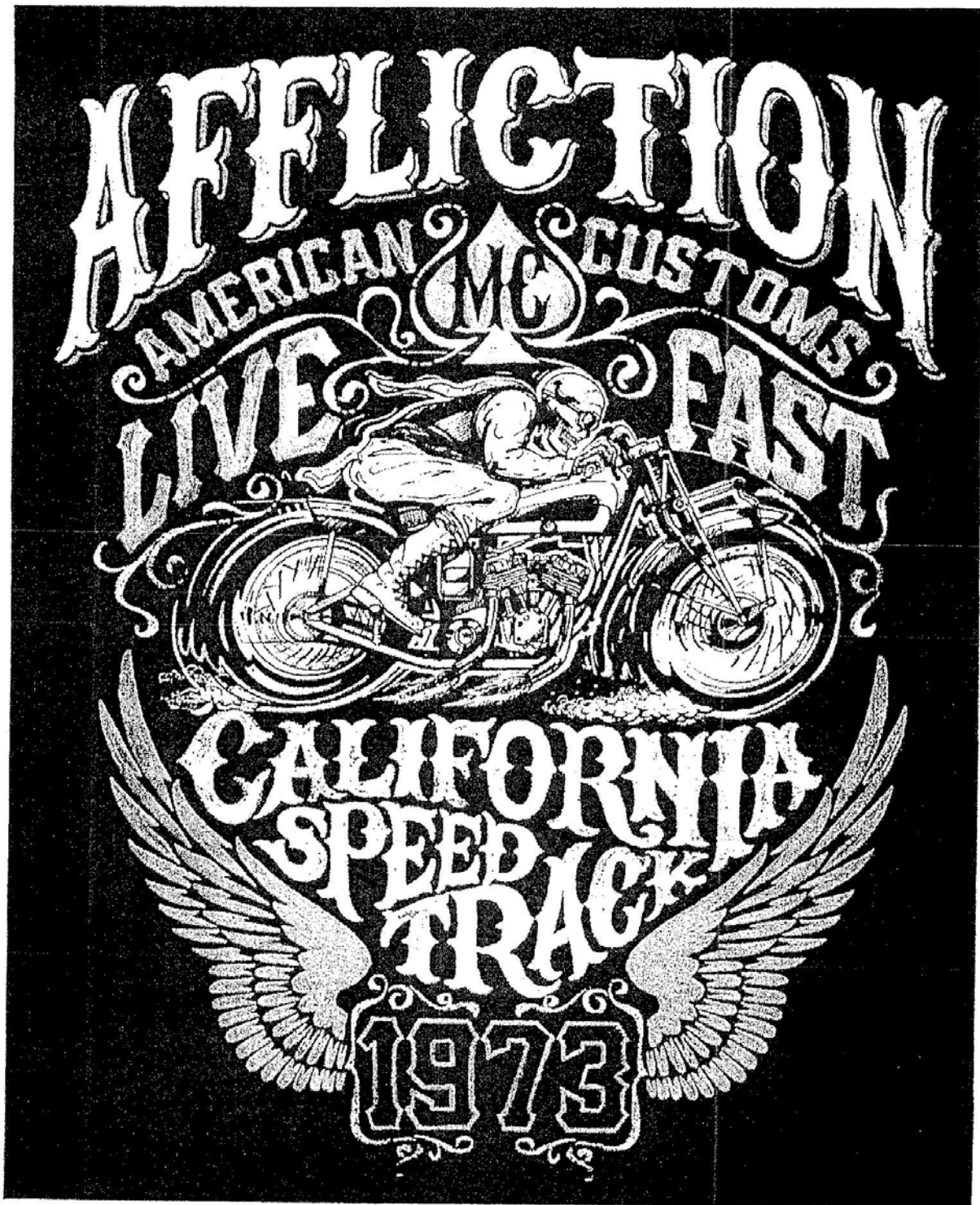






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# EXHIBIT D



